

MINUTES
EAU CLAIRE CITY COUNCIL LEGISLATIVE MEETING

Tuesday, November 13, 2012

City Council Chamber

4:00 p.m.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Council President Kincaid called the meeting to order. The following members were present: Council Members Larry Balow, Catherine Emmanuelle, Kerry Kincaid, David Klinkhammer, Kathy Mitchell, Mark Olson, Jackie Pavelski, Bob Von Haden, Thomas Vue, and Andrew Werthmann. Absent: Council Member David Duax.

CONSENT AGENDA

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, November 13, 2012. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Vue “to adopt the consent resolution”. Said motion passed by unanimous vote.

SPECIAL EVENT

The Council considered a resolution authorizing the St. Jude’s Children’s Research Hospital Give Thanks Walk on city streets and sidewalks by the Eau Claire Indoor Sports Center on Saturday, November 17, 2012. Thereupon a motion was offered by Council Member Balow and seconded by Council Member Klinkhammer “to adopt said resolution”. Said motion passed by unanimous vote.

Council Member Duax arrived in the Council Chamber.

POLICE DEPARTMENT GRANT

The Council considered a resolution authorizing the Police Department to accept \$3,175 of Bureau of Justice Assistance grant funds to help fund replacement of body armor for officers. Thereupon a motion was offered by Council Member Olson and seconded by Council Member Von Haden “to adopt said resolution”. Said motion passed by unanimous vote.

OFF-LEASH DOG PARK IMPROVEMENT

The City Council considered a resolution accepting and appropriating a donation of \$10,000 and awarding a contract for the construction of a small dog area in the Otter Creek Off-Leash Dog Park. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Pavelski “to adopt said resolution”. Said motion passed by unanimous vote.

CODE COMPLIANCE LOAN

The Council considered a resolution approving a Code Compliance Loan for Pizza Plus, LLC. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Werthmann “to adopt said resolution”. Said motion passed by unanimous vote.

DRAINAGE EASEMENT

The City Council considered a resolution granting a drainage easement across public property at 515 Fulton Street. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Vue “to adopt said resolution”. Said motion passed by unanimous vote.

LAND TRANSFER

The Council considered a resolution approving a land transfer agreement with the YMCA for land located at Menomonie Street and Carson Park Drive and city-owned property located at the southeast corner of Galloway Street and River Prairie Drive. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Duax “to adopt said resolution”. Said motion passed by the following vote: Aye: Council Members Balow, Duax, Kincaid, Klinkhammer, Olson, Pavelski, Von Haden, Vue and Werthmann. Nay: Council Members Emmanuelle and Mitchell.

NATIONAL LEAGUE OF CITIES

The City Council considered a resolution appointing voting delegates to the business meeting at the National League of Cities Conference in Boston, Massachusetts. Council Member Klinkhammer nominated Vice President Duax as the voting delegate; Council Member Werthmann seconded the nomination. Council Member Mitchell nominated Council Member Olson as the alternate voting delegate; Council Member Klinkhammer seconded the nomination. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Olson “to adopt said resolution appointing Council Members Duax and Olson as voting delegate and alternate, respectively, for the business meeting at the National League of Cities Conference”. Said motion passed by unanimous vote.

ANNEXATION

The Council considered an ordinance in accordance with Section 66.0217 Wisconsin Statutes, annexing to the City of Eau Claire and particularly to the 14th Assessment Ward, 5th Aldermanic District, that part of Lot 2 of Eau Claire County Certified Survey Map Document Number 645046, Volume 5 Page 100, located in the SE ¼ - SE ¼ of Section 11-27-10, Town of Union, Eau Claire County, as shown on Planning Drawing No. 12-4A (CVTC petition). Thereupon a motion was offered by Council Member Pavelski and seconded by Council Member Mitchell “to adopt said ordinance”. Said motion passed by unanimous vote.

REZONING

The Council considered an ordinance rezoning property along the west side of N. Barstow Street, north of Eau Claire Street extending west and south, to the west side of Graham Avenue, north of Gibson Street, from CBD and P-Public to CBDP and to approve the General Development Plan for the Confluence Project as shown on Planning File #Z-1510-12. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Emmanuelle “to adopt said ordinance”. Said motion passed by unanimous vote.

The Council considered an ordinance rezoning property at 512 Grover Road from TR-1A to R-1 for single-family development as shown on Planning File #Z-1512-12. Thereupon a motion was offered by Council Member Vue and seconded by Council Member Balow “to adopt said ordinance”. Said motion passed by unanimous vote.

The Council considered an ordinance rezoning property on the east side of White Oak Lane, north of West Ridge Drive, from R-1 to R-2 for duplex development as shown on Planning File #Z-1513-12. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Olson “to adopt said ordinance”. Said motion failed on the following vote: Aye: Council Members Balow and Werthmann. Nay: Council Members Duax, Emmanuelle, Kincaid, Klinkhammer, Mitchell, Olson, Pavelski, Von Haden and Vue.

The Council considered an ordinance rezoning property at 313 Hastings Place and east along Galloway Street from I-2 to I-2P and to approve the General Development Plan for Indianhead Foods expansion with reduced street setbacks as shown on Planning File #Z-1514-12. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Duax “to adopt said ordinance”. Said motion passed by the following vote: Aye: Council Members Balow, Duax, Emmanuelle, Kincaid, Klinkhammer, Mitchell, Olson, Pavelski, Von Haden and Vue. Nay: Council Member Werthmann.

CODE AMENDMENTS

The City Council considered an ordinance amending Section 10.40.070 of the City Code of Ordinances, entitled “Wisconsin State College Grounds”. Following Council discussion, a motion was offered by Council Member Duax and seconded by Council Member Balow “to postpone consideration for two weeks”. Said motion passed by the following vote: Aye: Council Members Balow, Duax, Emmanuelle, Olson, Pavelski, Von Haden and Werthmann. Nay: Council Members Kincaid, Klinkhammer, Mitchell and Vue.

The Council considered an ordinance to amend Section 1.06.030, entitled “Determinations subject to review”, and Section 5.28.020, entitled “License application-Inspection and report”, of the City Code of Ordinances. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Emmanuelle “to adopt said ordinance”. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Balow “to amend said ordinance by deleting the second to last sentence in Section 5.28.020 which reads ‘The premises may be re-inspected at the time of renewal of the license.’ and inserting a sentence to read ‘The above named officials may, or upon the direction of City Council shall, re-inspect the premises at

the time of renewal of the license’.” Said motion failed on the following vote: Aye: Council Members Balow, Duax, Von Haden, Vue and Werthmann. Nay: Council Members Emmanuelle, Kincaid, Klinkhammer, Mitchell, Olson and Pavelski. The Council then voted on the original motion to adopt the ordinance. Said motion passed on the following vote: Aye: Council Members Balow, Emmanuelle, Kincaid, Klinkhammer, Mitchell, Olson, Von Haden, Vue and Werthmann. Nay: Council Member Duax and Pavelski.

Council Member Von Haden left the Council Chamber.

The Council considered an ordinance to amend Chapter 6.08, entitled “Animal Control”, and Chapter 6.12, entitled “Keeping of Certain Animals”, of the City Code of Ordinances. Thereupon a motion was offered by Council Member Vue and seconded by Council Member Balow “to adopt said ordinance”. Said motion passed by unanimous vote.

Council Member Von Haden returned to the Council Chamber.

REZONING

The City Council had first reading on the following rezoning ordinances:

- property at 3411 Stein Blvd. from R-4 to C-1P and to adopt the General Development Plan for the existing Elk’s Club on the property as shown on Planning File #Z-1515-12.
- property on the north side of Folsom Street, west of 33rd Street, from R-1A to R-1 as shown on Planning File #Z-1516-12.
- property at the southeast corner of Jeffers Road and W. Shorewood Drive from C-3P to R-2P and to adopt the General Development Plan for duplex development as shown on Planning File #Z-1517-12.

STOP INTERSECTIONS

The City Council had first reading on two ordinances amending Table III of the City Code of Ordinances entitled "Stop Intersections":

- adding Lincoln Avenue and Rust Street, when entering from the north and south on Rust Street.
- adding Echo Valley Drive and S. Oakwood Hills Parkway, when entering from the south on Echo Valley Drive.

CODE AMENDMENTS

The City Council had first reading on the following ordinances to amend various sections of the City Code of Ordinances:

- Section 3.16.020 entitled "Payments-Installments".
- Section 15.04.040 entitled "Charge based upon water consumption" by deleting the minimum consumption wording.
- Section 9.76.110, entitled "Parks-Hazardous activities prohibited.

ADJOURNMENT

A motion was offered by Council Member Vue and seconded by Council Member Balow “that this meeting does now adjourn.” Said motion passed by unanimous voice vote.

Adjournment: November 13, 2012

Time: 6:18 p.m.

ATTEST:

Kerry J. S. Kincaid, President

Donna A. Austad, City Clerk